

REMARKS

Careful consideration has been given to the Official Action of May 21, 2003 and the above amendatory action has been taken in order to place this application into condition for allowance.

The Examiner has called for submission of corrected formal drawings and enclosed herewith are the corrected formal drawings. As indicated hereinabove, the formal drawings now include reference characters directed to each of the various elements. The formal drawings also incorporate the changes previously submitted which the Examiner has deemed to be acceptable.

The Examiner has called for correction of all minor errors in the lengthy specification. The specification has been thoroughly reviewed and corrected to eliminate minor informalities and prepare the Application for issue. The specification has also been revised to take into account the deletion of Figs. 7, 20 and 21 and the incorporation of the numerals now present in the drawing. In view of the large number of corrections which have been made, a substitute specification is submitted along with a marked-up copy to show the changes which have been made. The substitute specification does not contain any new matter and is only an editorial revision of the original specification. It is deemed to be in compliance with 35 U.S.C. § 112 and in suitable condition for issue.

The Examiner has rejected Claims 33, 34, 36, 38 and 39 under 35 U.S.C. § 103 and has indicated the allowability of Claims 35, 37 and 40. The indication of allowable subject matter is noted with appreciation. It is believed that, as now presented, the claims are in condition for allowance by virtue of the amendatory action taken therein.

Specifically, independent Claim 33 has been amended in order to clearly distinguish over the combination of Goldwater and Atherton.

Goldwater has been cited for disclosing a valvular sail power plant for generating electrical energy from a flowing medium of wind. However, as distinguished from the present invention, Goldwater is directed to a vane, which rotates under the impulse of wind, constructed in the form of a grid on which are mounted flexible sails to catch the wind. In the present invention, the vanes are constructed as thin rigid plate members which are pivotably mounted in a unique way from an open frame. Specifically, the vanes are supported only at one of their side edges, from the open frame by spindles at top and bottom whereas Goldwater connects the sail all along its side edge to the frame. This represents a fundamental distinction between the present invention and Goldwater. Also in Goldwater, the frame itself has a grid instead of being open as in the present invention and each panel also has a grid on which the sails are secured. The end of the endmost sail of a vane is wrapped around a vertical element of the grid in the frame to provide the rotatability of the vane in Goldwater. In the present invention apart from the spindles at the top and bottom of each vane, the remainder of the side edge of the vane is unconnected to the frame. The vane

of the invention is therefore freely rotatable about the spindles defining an axis at the side edge of the vane.

The present invention also provides a system for pivotably moving the vanes in synchronism between the open and closed positions thereof. This system includes an aligner cable which connects the vanes one to the other at the side edges of the vanes which are opposite the side edges at which the vanes are rotatably supported by the frame. As seen in Figs. 11A-11E, the aligner cable 62 is connected to supports 64 depending from the vanes at their lower edges at the side of the vane remote from the pivot axis. Several embodiments are shown by which the aligner cable is connected by these members to the vanes and the purpose of the aligner cable is to ensure synchronous rotation of the vanes under the impulse of the wind. In Goldwater, the element 225 cited by the Examiner for providing synchronism is not an aligner cable as claimed but rather is a single cord connected to a spar or cross member of each vane to limit the angular displacement of the respective vane. Each cord associated with each vane is individual and there are no connections between the vanes which will provide synchronous movement of the vanes (see column 7, lines 26-35 of Goldwater). The cord 225 is connected to an elastic limiting arrangement as described in the aforementioned portion of the Goldwater patent and as illustrated in Figs. 15 and 17. The cord system of Goldwater serves as a stop to limit angular displacement but it does not provide synchronous rotation of the vanes. Claim 33 also calls for the oscillatory stops 19 between the frame and the vanes to block rotatable movement of the vanes in the closed position and permit rotatable movement of the vanes to said open position. The ring 229 and

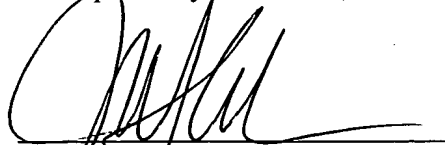
the cord 225 do not qualify as the oscillatory stops as claimed.

Claims 34-40 remain dependent from Claim 33 and are deemed allowable therewith particularly in light of the indicated allowable subject matter by the Examiner. Additionally, Claims 41-47 have been added and are directed to further features which are particular to the rigid vanes of the invention and which are clearly distinguished from the sail vanes of Goldwater. It is respectfully submitted that these claims are also in allowable condition.

The secondary reference of Atherton has been cited for disclosing electrical generation of power. However, this is not relevant to the distinctions discussed above.

Since it is believed that all formalities have been met and the claims are deemed to be in allowable condition, favorable consideration of the application and dispatch of the Notice of Allowance would be appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Julian H. Cohen', is written over a horizontal line.

JULIAN H. COHEN
C/O LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, N.Y. 10023
REG. NO. 20203 - 212-708-1887